

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-2-2
CAREER LADDER**

TABLE OF CONTENTS

| | | | |
|----------------------|---|----------------------|--|
| 0520-2-2-.01 | Definitions Related to Comprehensive Education Reform Act | 0520-2-2-.20 | Job Description, Supervisors |
| 0520-2-2-.02 | Career Ladder Eligibility | 0520-2-2-.21 | Job Description, Speech/ Language Specialists |
| 0520-2-2-.03 | Breaks in Service | 0520-2-2-.22 | Job Description, School Psychologist |
| 0520-2-2-.04 | Withdrawing from and Reentering the Career Ladder Program | 0520-2-2-.23 | Job Description, School Social Workers |
| | | 0520-2-2-.24 | Job Description, Attendance Supervisors |
| 0520-2-2-.05 | Change in Career Ladder Level | 0520-2-2-.25 | Job Description, Audiologists |
| 0520-2-2-.06 | Career Ladder Payments | 0520-2-2-.26 | Job Description, School Counselors |
| 0520-2-2-.07 | Disposition of Career Ladder Evaluation Records | 0520-2-2-.27 | Job Description, Consulting Teachers |
| 0520-2-2-.08 | Special Groups Certificates | 0520-2-2-.28 | Reserved |
| 0520-2-2-.09 | Career Ladder Trade Shop Certificates | 0520-2-2-.29 | State Board of Education Career Ladder Certification Appeals Process |
| 0520-2-2-.10 through | | 0520-2-2-.30 through | |
| 0520-2-2-.19 | Reserved | 0520-2-2-.34 | Repealed |

0520-2-2-.01 DEFINITIONS RELATED TO COMPREHENSIVE EDUCATION REFORM ACT.

- (1) For career ladder purposes, a school year shall be defined as a minimum of five months or 100 days of active employment during any one school year.
- (2) A negative evaluation is one which indicates less than satisfactory performance and in which the overall summary statement is negative. If the evaluation consists of multiple parts and there is no unifying summary, then a majority of the parts related to the educator's professional competence must be negative.

Authority: T.C.A. §49-5-5001 et seq. **Administrative History:** (For history prior to November 14, 1986, see pages i through vii.) Amendment filed September 30, 1986; effective November 14, 1986. Repealed and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed January 31, 1995; effective May 31, 1995. Amendment filed May 28, 1999; effective September 28, 1999.

0520-2-2-.02 CAREER LADDER ELIGIBILITY.

- (1) Record and types of previous Tennessee employment. In order to be considered as having entered the teaching profession prior to the effective date of the Comprehensive Education Reform Act of 1984, an educator shall have on file with the State Department of Education a record of previous Tennessee employment experience accrued prior to July 1, 1984.
- (2) Years of Experience. Years of experience acceptable for use in determining career ladder eligibility and advancement shall be the same as those used for salary purposes by the State Department of Education.
- (3) Part-Time and Substitute Teachers.
 - (a) A permanent substitute or part-time teacher shall be defined as a teacher who is employed to teach at least 540 hours (actual instructional time) during any given school year.

(Rule 0520-2-2-.02, continued)

- (b) A permanent substitute or part-time teacher shall receive that portion of the incentive salary supplement for his/her career level proportionate to the percentage of total instructional time (1080 hours) worked during the school year.
 - (c) Permanent substitute or part-time teachers may be evaluated for career level I, II or III status, if they meet all criteria designated by T.C.A. §49-5-5001 et seq. for entry into that career level and if their assignments allow for the conduct of the evaluation process established for all teachers by the State Board of Education. If the term of service of the permanent substitute or part-time teacher does not compromise the integrity of the evaluation process, such evaluation shall be conducted within one school year.
- (4) Educators in Dual Positions.
 - (a) Educators employed full time in dual or multiple assignments either within the same career ladder system or in different career ladder systems shall be eligible to receive full salary supplements. For purposes of career ladder eligibility and advancement, these educators shall be evaluated in the assignment in which they spend the majority of their employment time. If their time is evenly divided, however, the educator may choose the assignment category for evaluation. The educator shall also meet all requirements (e.g., job description) for evaluation which are applicable to the position.
 - (b) Educators employed full time in dual or multiple assignments may participate in the career ladder program provided that at least 50 percent of their time is spent in assignments that are covered by the career ladder system and provided that applicable evaluation procedures exist. Educators meeting this requirement shall be treated as educators who are employed on a part-time basis as stated in T.C.A. §49-5-5005. They also shall be subject to all other rules which govern career ladder eligibility.
- (5) Teaching Principals.
 - (a) The Department of Education shall grant 50% credit for experience verified by the local board of education to have been earned by a teaching principal with a valid principal endorsement who has spent less than 50% of the time in administrative duties.
 - (b) The Department of Education shall grant 50% credit for experience verified by the local board of education to have been earned by a teaching assistant principal with a valid principal endorsement who has spent less than 50% of the time in administrative duties.
 - (c) An election under these provisions shall prohibit such experience from being counted toward any other career ladder option for which the person may be eligible.

Authority: T.C.A. §§49-5-5001 et seq., 49-5-5005; 49-5-5201 et seq., 49-5-5301; 49-5-5401 and 49-5-5501.

Administrative History: (For history prior to November 14, 1986 see pages i through vii.) Amendment filed September 30, 1986; effective November 14, 1986. Amendment filed January 31, 1995; effective May 31, 1995. Amendment filed May 28, 1999; effective September 28, 1999.

0520-2-2-.03 BREAKS IN SERVICE.

- (1) Breaks In Service.
 - (a) A break in service shall be defined as any interruption in teaching service on the part of a teacher, assistant principal, principal, instructional supervisor, or other educator certificated within the career ladder program.

(Rule 0520-2-2-.03, continued)

- (b) If an educator's employment includes a break in service, that educator's career ladder certificate of record shall be "frozen" at the commencement of the break in service. No years of validity shall be lost from the certificate during the break of service except as noted below.
 - (c) State Board of Education regulations governing years of experience for salary purposes shall be used in determining whether or not the year in which the break in service occurs is counted toward certificate expiration. If the break in service is less than 100 days (in any one school year), that year shall count toward certificate expiration. If the break in service is 100 days or more (in any one school year), that year shall not count toward certificate expiration.
 - (d) Upon re-employment of a certificated educator after a break in service, the educator through the superintendent of the employing local school system shall make application to the Office of Teacher Licensing for re-issuing the certificate of record. The request shall include notification of re-employment and the length (in days) of the break in service. The Office of Teacher Licensing shall issue a new certificate to the educator with a corrected expiration date.
- (2) Supplements may be carried over when an educator moves to a position covered by another evaluation system. The educator may continue to use the previous valid certificate until the expiration date of that certificate. Evaluations conducted after the change in position shall assess the educator's exercise of competencies defined for performance in the new position.
 - (3) A career ladder educator who moves temporarily into a professional position not included in the career ladder program and which is not considered an interruption in teaching service may continue to use the previous valid certificate and receive the supplement associated with it for one year. Thereafter, the career ladder educator shall be subject to the provisions of that position unless the educator returns to the previously held position, and the educator's previously held career ladder certificate shall be frozen in accordance with the provisions stipulated in section (1) of this rule. It shall be the responsibility of the local school system to notify the Office of Teacher Licensing when an educator is placed temporarily in a position not included in the career ladder program.

Authority: T.C.A. §§49-5-5003; 49-5-5004 and 49-5-5104. **Administrative History:** (For history prior to November 14, 1986 see pages i through vii.) Amendment filed September 30, 1986; effective November 14, 1986. Repealed and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999.

0520-2-2-.04 WITHDRAWING FROM AND REENTERING THE CAREER LADDER PROGRAM.

- (1) An educator may withdraw from career ladder participation at any time. Any educator who chooses to withdraw from the career ladder program shall declare the intention in writing to the Office of Teacher Licensing, State Department of Education, and to the superintendent of the employing local school system no fewer than thirty days prior to the date of withdrawal.
- (2) The career ladder certificate of the educator shall expire on its stated expiration date.
- (3) Any educator who withdraws from the career ladder program shall not be entitled to a career ladder supplement and shall not be required to perform the career ladder duties.
- (4) Any educator whose career ladder certificate has not expired may re-enter the career ladder program only at the beginning of any academic school year. Intent to re-enter the career ladder program shall be submitted in writing to the Office of Teacher Licensing, State Department of Education, and to the superintendent of the employing local school system.
- (5) If an educator whose career ladder certificate has expired subsequently elects to re-enter the career ladder program, the applicant shall be eligible to apply for career ladder certification evaluation based on experience as set out in T.C.A. 49-5-5005.

(Rule 0520-2-2-.04, continued)

Authority: T.C.A. §§49-5-108; 49-5-5003; 49-5-5004 and 49-5-5005. **Administrative History:** (For history prior to November 14, 1986 see pages i through vii.) Repealed and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999.

0520-2-2-.05 CHANGE IN CAREER LADDER LEVEL.

An educator may move to a higher career ladder certificate under certain conditions.

- (1) If an educator meets the qualification standards for a higher career ladder certification level, and if that person has the requisite years of experience, such person may automatically receive that higher career ladder certification at the educator's option. If an educator does not meet the qualification standards for the career ladder certification level for which the educator applies, such person shall automatically receive the next lower career ladder certification for which the person is eligible.
- (2) An educator who chooses to take a lower level certificate than the one to which one is entitled by experience and evaluation results may reverse the decision and request in writing the higher level certificate at any time during the period of validity of the lower level certificate. The higher level certificate so requested shall have the same expiration date as the lower level certificate that it supersedes.
- (3) Educators who lack the year(s) of experience required for a higher level of certification at the time that evaluation for a lower level of certification begins and who meet evaluation criteria and standards for the higher level of certification shall be issued the higher level of certification at the completion of the experience requirement. The higher level certification shall become effective at the beginning of the school year following the completion of the experience requirement and shall have the same expiration date as the lower level certificate that it supersedes. The educator has the right to refuse advancement to the higher level of certification.

Authority: T.C.A. §§49-5-5003; 49-5-5004; 49-5-5103 and 49-5-5202. **Administrative History:** (For history prior to November 14, 1986 see pages i through vii.) Amendment filed September 30, 1986; effective November 14, 1986. Repealed and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999.

0520-2-2-.06 CAREER LADDER PAYMENTS.

Career ladder payments shall be paid by the local school system on the regular pay period or semi-annual basis. The local school system shall decide which method of payment shall be used for a school year and shall report this action to the Commissioner of Education.

Authority: T.C.A. §§49-1-302; 49-5-5003; 49-5-5004 and 49-5-5103. **Administrative History:** (For history prior to November 14, 1986 see pages i through vii.) Amendment filed September 30, 1986; effective November 14, 1986. Amendment filed May 21, 1987; effective August 29, 1987. Repealed and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999.

0520-2-2-.07 DISPOSITION OF CAREER LADDER EVALUATION RECORDS.

- (1) All documents submitted to the Department of Education as part of the evaluation process of a career ladder educator will be photographically recorded in a procedure approved pursuant to T.C.A. 10-7-501, and the photographic record retained permanently.
- (2) The originals of all documents photographically recorded as provided in paragraph (1) will be retained for one year from the date of the certification decision.

(Rule 0520-2-2-.07, continued)

- (3) The original documents of all educators who are appealing their certification decisions will be retained until the appeal is completed and for one year thereafter.
- (4) After the expiration of one year, the original evaluation documents will be disposed of as follows:
 - (a) The documents will be sent to the educator if the educator requests them; or
 - (b) If the educator does not request the documents, they will be destroyed.
- (5) Those records destroyed or returned to the educator will be deemed decertified as official public records. Thereafter, only the photographic record made and retained pursuant to paragraph (1) will be deemed the official public record.

Authority: T.C.A. §§49-5-5003; 49-5-5004 and 49-5-5104. **Administrative History:** (For history prior to November 14, 1986 see pages i through vii.) Amendment filed September 30, 1986; effective November 14, 1986. Repealed and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999.

0520-2-2-.08 SPECIAL GROUPS CERTIFICATES.

- (1) Career ladder special groups certificates shall be issued to persons employed as guidance counselors, school psychologists, and school social workers. These certificates shall be entitled: the apprentice special groups certificate, the career level I special groups certificate, the career level II special groups certificate, and the career level III special groups certificate.
- (2) The length of validity of career ladder special groups certificates shall be the same as for teachers' certificates as set forth in T.C.A. §49-5-5203.
- (3) Advancement requirements, eligibility requirements, supplements for outstanding performance and for extra duties for holders of career ladder special group certificates shall be comparable to those stipulated for teachers in T.C.A. §§49-5-5201 and 49-5-5208.

Authority: T.C.A. §49-5-5004. **Administrative History:** (For history prior to November 14, 1986 see pages i through vii.) Amendment filed September 30, 1986; effective November 14, 1986. Repealed and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999.

0520-2-2-.09 CAREER LADDER TRADE SHOP CERTIFICATES.

- (1) The trade and industrial teacher may advance to career level I teacher provided that:
 - (a) The teacher has met all requirements for the issuance of the trade shop license
 - (b) The teacher shall receive a positive recommendation on the local and state evaluations.
- (2) The trade and industrial teacher may renew the career level I certificate provided that:
 - (a) The teacher continues to maintain the trade shop license
 - (b) The teacher successfully completes one course from an approved industrial education program, or other secondary teacher training course offering through any approved teacher training institution
 - (c) The teacher receives a positive recommendation on state and local evaluations.
- (3) The trade and industrial teacher may advance to career level II provided that:

(Rule 0520-2-2-.09, continued)

- (a) The teacher has met experience requirements for career level II
- (b) The teacher receives a positive recommendation on local and state evaluations.
- (4) The trade and industrial teacher may renew the career level II certificate provided that:
 - (a) The teacher continues to maintain the trade shop license
 - (b) The teacher successfully completes one course from an approved industrial education program, or other secondary teacher training course offering through any approved teacher training institution
 - (c) The teacher receives a positive recommendation on state and local evaluations.
- (5) The trade and industrial teacher may advance to career level III provided that:
 - (a) The teacher has met experience requirements for career level III
 - (b) The teacher receives a positive recommendation on local and state evaluations.
- (6) The trade and industrial teacher may renew the career level III certificate provided that:
 - (a) The teacher continues to maintain the trade shop license
 - (b) The teacher successfully completes one course from an approved industrial education program, or other secondary teacher training course offering through any approved teacher training institution
 - (c) The teacher receives a positive recommendation on state and local evaluations.

Authority: T.C.A. §§49-5-108; 49-5-5003 and 49-5-5004. **Administrative History:** (For history prior to November 14, 1986 see pages i through vii.) Amendment filed September 30, 1986; effective November 14, 1986. Repealed and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999.

0520-2-2-.10 THROUGH 0520-2-2-.19 RESERVED.

0520-2-2-.20 JOB DESCRIPTION, SUPERVISORS.

- (1) Direct Service to Teachers.
 - (a) Observation and Supervision. The supervisor:
 - 1. Observes the teacher in the classroom
 - 2. Records the instructional process
 - 3. Analyzes the record for strengths and weakness
 - 4. Prioritizes strengths and weaknesses
 - 5. Conferences teachers
 - 6. Plans for instructional improvement

(Rule 0520-2-2-.20, continued)

7. Demonstrates effective instructional practices when needed.
- (b) Organization for Staff Development. The supervisor:
 1. Assesses individual needs of teachers
 2. Plans staff development activities appropriate for the assessed needs
 3. Conducts staff development training
 4. Evaluates staff development activities
 5. Plans future staff development activities based on evaluation.
- (c) Implementation of Staff Meetings. The supervisor:
 1. Plans staff meetings for curriculum decisions
 2. Implements curriculum decisions based on staff recommendations.
- (d) Evaluation. The supervisor:
 1. Evaluates instruction (teaching act)
 2. Evaluates instructional program
 3. Plans for improvement based upon evaluation.
- (2) Indirect Service to Teachers.
 - (a) Development of educational goals and objectives. The supervisor:
 1. Reviews research relative to effective instruction and curriculum
 2. Assesses community expectations for school achievement
 3. Prioritizes community needs and identifies education goals
 4. Analyzes state rules and regulations
 5. Synthesizes local and state expectations
 6. Identifies goals for improvement.
 - (b) Development of Curriculum. The supervisor:
 1. Develops, selects, and adjusts curriculum materials
 2. Correlates and disseminates curriculum information and materials.
 - (c) Communication with Parents and Community Groups. The supervisor:
 1. Solicits parental and community support of local educational goals

(Rule 0520-2-2-.20, continued)

2. Provides appropriate information to community.
- (d) Evaluation of Student Achievement. The supervisor:
 1. Assists teachers in developing and/or conducting a system wide testing program
 2. Assists teachers with the selection of appropriate management systems
 3. Interprets test data
 4. Prepares reports
 5. Disseminates information appropriately to faculty, parents, and community.
- (e) Administration (not more than 30% of total time). The supervisor:
 1. Consults with other administrators regarding personnel matters
 2. Assists with budget preparation for curriculum and instruction
 3. Prepares projects and proposals.
- (3) Instructional supervisors who spend at least seventy percent of their time on direct and indirect service to teachers in staff and curriculum development shall be eligible for career ladder evaluation.

Authority: T.C.A. §§49-5-5003; 49-5-5004 and 49-5-5501. **Administrative History:** (For history prior to November 14, 1986, see pages i through vii.) Amendment filed September 30, 1986; effective November 14, 1986. Amendment filed November 18, 1987; effective February 28, 1988. Repealed and new rule filed March 16, 1992; effective June 29, 1992.

0520-2-2-.21 JOB DESCRIPTION, SPEECH/LANGUAGE SPECIALISTS.

- (1) Service to Students.
 - (a) Evaluation and Assessment. The speech/language specialist:
 1. Assesses individual speech/language needs of students and makes recommendations
 2. Certifies students in accordance with state and federal guidelines
 3. Refers students to other professionals of outside (school) agencies when needed
 4. Evaluates student progress in relation to treatment and reports progress to students.
 - (b) Planning and Program Management. The speech/language specialist:
 1. Prepares individual educational programs, additional plans and materials to address student needs
 2. Plans and implements a program of speech and language services
 3. Selects and schedules case loads
 4. Maintains up-to-date, appropriate student and program records.

(Rule 0520-2-2-.21, continued)

- (c) Delivery of Services. The speech/language specialist:
 - 1. Delivers effective speech therapy.
- (2) Services to School Staff.
 - (a) Planning. The speech/language specialist:
 - 1. Consults and works with school staff to provide a total program for the student
 - 2. Assists staff in identifying and solving teaching/learning and school problems
 - 3. Assists in establishing school/system goals.
 - (b) Consultation and Communication. The speech/language specialist:
 - 1. Serves as an effective M-team member.
 - 2. Reports student performance and progress regularly to school staff.
 - 3. Communicates state and federal requirements to school staff.
 - 4. Promotes parent/community interest in the school.
- (3) Service to Parents.
 - (a) Consultation and Communication. The speech/language specialist:
 - 1. Consults with parents to integrate home and school goals
 - 2. Reports student performance and progress regularly to parents
 - 3. Assists parents in locating appropriate professional services outside the school when needed.
- (4) Administration (not more than 10% of total time).
 - (a) The speech/language specialist:
 - 1. Consults with school and system administrators regarding program integration, speech, language, and hearing services and other matters
 - 2. Assists in budget preparation for speech/language services
 - 3. Assists in preparation of required school and/or system reports.

Authority: T.C.A. §49-5-5004. **Administrative History:** Original rule filed October 15, 1986; effective January 27, 1987. Repealed and new rule filed March 16, 1992; effective June 29, 1992.

0520-2-2-.22 JOB DESCRIPTION, SCHOOL PSYCHOLOGIST.

- (1) Service to Students.
 - (a) Evaluation and Assessment. The school psychologist:

(Rule 0520-2-2-.22, continued)

1. Organizes, develops, and implements procedures for comprehensive, system wide screening of students
 2. Selects and administers tests which assess intelligence, academic achievement, perception, motor functioning, and/or social and emotional status of students referred
 3. Gathers information from a variety of sources (e.g., interviews, observations, tests, case histories) for assessment of referred students
 4. Analyzes psychological/educational data gathered and prepares assessment reports for professional staff and other who need them.
- (b) Counseling and Consultation. The school psychologist:
1. Provides individual and group counseling.
- (2) Services to School Staff.
- (a) Planning and Program Management. The school psychologist:
1. Plans, coordinates and supervises an effective school psychological services program
 2. Maintains up-to-date, accurate counselee records
 3. Serves as a liaison to a broad range of community agencies and practitioners and works with them in providing comprehensive services to students
 4. Regularly evaluates the effectiveness of psychological services and programs and identifies needs for additional services and programs.
- (b) Consultation and Communication. The school psychologist:
1. Provides information to school staff and parents about educational/psychological strengths and needs of students.
 2. Provides support and counseling to school staff.
 3. Assists M-team in program planning for students with special needs.
 4. Reports student status and progress regularly to school personnel.
- (c) Staff Development. The school psychologist:
1. Assists the school system in assessing staff development needs
 2. Provides staff development activities for school personnel on topics such as evaluation/testing, human development and child management.
- (3) Service to Parents.
- (a) Consultation and Communication. The school psychologist:
1. Provides information to parents about educational psychological strengths and needs of students

(Rule 0520-2-2-.22, continued)

2. Provides support and counseling to parents
 3. Assists parents in locating appropriate professional services outside the school when needed
 4. Reports student progress and status regularly to parents
 5. Provides parental training in areas such as child management and human development.
- (4) Administration (not more than 10% of total time).
- (a) The school psychologist:
1. Consults with school and system administrators regarding psychological services and other matters
 2. Assists in budget preparation for psychological services as needed
 3. Assists in preparation for psychological service as needed
 4. Supervises other educational personnel and psychological interns when applicable.

Authority: T.C.A. §§49-5-5003 and 49-5-5004. **Administrative History:** Original rule filed March 16, 1992; effective June 29, 1992.

0520-2-2-.23 JOB DESCRIPTION, SCHOOL SOCIAL WORKERS.

- (1) Service to Students.
- (a) Evaluation and Assessment. The school social worker:
1. Obtains information and writes social history reports including educational, personal, medical, developmental and family data
 2. Conducts social work assessments and assists in placement of special education students.
- (b) Counseling and Consultation. The school social worker:
1. Provides for individual and group counseling to reduce problem behaviors
 2. Assists in integrating new and returning students into the school system.
- (2) Service to School Staff.
- (a) Planning and Program Management. The school social worker:
1. Plans, coordinates and supervises an effective school social work program
 2. Maintains up-to-date, accurate student records
 3. Serves as a liaison to community agencies and practitioners and works with them in providing comprehensive services to students
 4. Regularly evaluates the effectiveness of social work services and identifies need for additional services

(Rule 0520-2-2-.23, continued)

5. Documents treatment plans and delivery of services.
- (b) Consultation and Communication. The school social worker:
 1. Interprets criteria for community resource utilization to school personnel
 2. Provides support and counseling to school staff
 3. Assists M-team in program planning for students with special needs
 4. Provides information to school staff about social needs and problems of students and families
 5. Reports student and family status and progress regularly to school personnel.
- (c) Staff Development. The school social worker:
 1. Assists the school system in assessing staff development needs
 2. Orients school personnel to school social work services
 3. Provides staff development activities for school personnel on topics such as abuse, neglect, developmental delays, emotional disturbances, substance abuse and potential suicide.
- (3) Service to Parents/Families.
 - (a) Consultation and Communication. The school social worker:
 1. Make home visits and holds conferences with parents
 2. Mediates between family and school clarifying expectations for students
 3. Interprets criteria for community resource utilization to families and assists in locating appropriate services outside the school when needed
 4. Provides support and counseling to families
 5. Provides information to parents (when appropriate) about social needs and problems of students
 6. Reports student progress and status regularly to parents.
 - (b) Parent Education. The school social worker:
 1. Provides training in parenting skills.
- (4) Administration (not more than 10% of total time).
 - (a) The school social worker:
 1. Consults with school and system administrators regarding the social work program and services
 2. Assists in budget preparation for social work services as needed

(Rule 0520-2-2-.23, continued)

3. Assists in preparation of required school and/or system reports.

Authority: T.C.A. §§49-5-5003 and 49-5-5004. **Administrative History:** Original rule filed March 16, 1992; effective June 29, 1992.

0520-2-2-.24 JOB DESCRIPTION, ATTENDANCE SUPERVISORS.

(1) Service to Students.

(a) Evaluation and Assessment. The school attendance supervisor:

1. Interviews and recommends placement of students returning from schools of correction, juvenile detention centers or alternative schools
2. Obtains information and prepares assessment reports on referrals
3. Assists M-teams in the assessment of program needs for special education students.

(b) Counseling and Consultation. The school attendance supervisor:

1. Counsels students regarding absenteeism
2. Conducts exit interviews and provides follow-up services to dropouts
3. Moves about the community during school hours and provides service to students on the street or in public places
4. Assists students in obtaining services through community agencies.

(2) Service to School Staff.

(a) Planning and Program Management. The school attendance supervisor:

1. Plans, coordinates and supervises an effective school attendance program
2. Prepares monthly and yearly attendance reports as needed
3. Supervises the issuance of age certificates and similar documents
4. Conducts the annual school census
5. Maintains records of student transfers, tuition paying status, enforcement of boundaries and projections of future enrollments
6. Serves as liaison to the courts, various community agencies and school personnel
7. Regularly evaluates the effectiveness of attendance services and identifies needs for additional services
8. Documents delivery of services.

(b) Consultation and Communication. The school attendance supervisor:

(Rule 0520-2-2-.24, continued)

1. Consults with school personnel regarding individual adjustment problems as they relate to school attendance
 2. Interprets criteria for community resource utilization to school personnel
 3. Provides support and counseling to school staff
 4. Instructs teachers in procedures for attendance accounting
 5. Assists M-teams in program planning for students with special needs
 6. Reports student and family status and progress regularly to school personnel
 7. Disseminates current information to school staff regarding state laws and local board policies relating to school attendance.
- (c) Staff Development. The school attendance supervisor:
1. Assists the school system in assessing staff development needs
 2. Orients school personnel to school attendance services.
- (d) Legal Proceedings. The school attendance supervisor:
1. Initiates court proceedings when necessary
 2. Provides guidance to school personnel regarding due process.
- (3) Services to Parents/Families.
- (a) Consultation and Communication. The school attendance supervisor:
1. Makes home visits and holds conferences with parents
 2. Mediates among family, school and court when necessary
 3. Interprets criteria for community resource utilization to families and assists in locating appropriate services outside the school system when needed
 4. Consults with parents regarding school attendance and school adjustment problems
 5. Reports student status and progress regularly to parents.
- (b) Legal Proceedings. The school attendance supervisor:
1. Provides guidance to parents regarding due process.
- (4) Administration (not more than 10% of total time).
- (a) The school attendance supervisor:
1. Consults with school and system administrators regarding attendance services and their integration with the instructional program and other pupil personnel services
 2. Assists in budget preparation for attendance services as needed

(Rule 0520-2-2-.24, continued)

3. Assists in preparation of required school and/or system reports other than those specifically dealing with attendance
4. Assists legal counsel in preparation of attendance related cases.

Authority: T.C.A. §§49-5-5003 and 49-5-5004. **Administrative History:** Original rule filed March 16, 1992; effective June 29, 1992.

0520-2-2-.25 JOB DESCRIPTION, AUDIOLOGISTS.

(1) Service to Students.

(a) Evaluation and Assessment. The audiologist:

1. Assesses individual auditory needs of students and makes recommendations
2. Refers students to other professionals or outside (school) agencies when needed
3. Evaluates student progress in relation to treatment and reports progress to students.

(b) Planning and Program Management. The audiologist:

1. Prepares plans and materials to meet the needs of hearing impaired students
2. Plans and implements a program of audiological services
3. Provides for the selection, use and maintenance of audiometric equipment, personal and classroom amplification
4. Maintains appropriate up-to-date student and program records.

(c) Delivery of Services. The audiologist:

1. Delivers effective habilitative/rehabilitative auditory therapy
2. Develops follow-up programs to monitor treatment results and recommendations.

(2) Service to School Staff.

(a) Planning. The audiologist:

1. Consults and works with school staff to provide a total program for the student
2. Assists staff in identifying and solving teaching/learning and school problems
3. Assists in establishing school/system goals.

(b) Consultation and Communication. The audiologist:

1. Serves as an effective M-team member
2. Reports student performance and progress regularly to school staff
3. Communicates state and federal requirements to school staff

(Rule 0520-2-2-.25, continued)

4. Promotes parent/community interest in the school.
- (3) Services to Parents.
 - (a) Consultation and Communication. The audiologist:
 1. Consults with parents in planning for hearing impaired students
 2. Reports student assessments, performance and progress regularly to parents
 3. Assists parents in locating appropriate professional services outside the school, when needed.
 - (4) Administration (not more than 10% of total time). The audiologist:
 - (a) Consults with school and system administrators regarding program integration, audiological services and other matters
 - (b) Assists in budget preparation for audiological services
 - (c) Assists in preparation of required school and/or system reports.

Authority: T.C.A. §§49-5-5003; 49-5-5004 and 49-5-5103. **Administrative History:** Original rule filed March 16, 1992; effective June 29, 1992.

0520-2-2-.26 JOB DESCRIPTION, SCHOOL COUNSELORS.

- (1) Service to Students.
 - (a) Counseling and Consultation. The school counselor:
 1. Provides counseling to students about adjustment to school and transition from grade level to grade level
 2. Provides counseling to students about coping with difficult personal and family problems
 3. Provides counseling to students in terms of increasing self-awareness and developing a positive self-concept
 4. Provides consultation to students about decisions and goals
 5. Provides counseling to students who are referred as having the following problems: attendance, retention, discipline, and pre-delinquency
 6. Provides counseling in educational planning and placement
 7. Provides counseling in career awareness and planning.
 - (b) Counseling and Guidance. The school counselor:
 1. Provides career development and educational and occupational information
 2. Provides primary prevention instruction in areas such as sexual abuse and substance abuse at appropriate grade levels

(Rule 0520-2-2-.26, continued)

3. Provides enhancement instruction in areas such as self-concept, interpersonal relations, and decision making appropriate to student development
4. Uses teacher and student participation in the implementation of the guidance and counseling program.
- (c) Evaluation and Assessment. The school counselor:
 1. Provides academic development of students through the interpretation and use of assessments
 2. Provides self-concepts development of students through evaluation and assessment.
- (2) Service to School Staff.
 - (a) Planning and Program Management. The school counselor:
 1. Organizes, coordinates and evaluates an effective school guidance and counseling program that is based upon needs of students, staff, and parents
 2. Plans and establishes jointly with educational staff a comprehensive guidance program that responds to development needs of students
 3. Provides up-to-date, accurate student records as relates to the guidance program.
 - (b) Consultation and Communication. The school counselor:
 1. Aids school staff in establishing learning environments most suited to the developmental needs of students
 2. Aids school staff in the early identification of student problems
 3. Aids school staff in implementing a career development program
 4. Aids in program planning for students with special needs.
 - (c) Staff Development. The school counselor:
 1. Orients the staff to the guidance and counseling services
 2. Provides staff development activities for school personnel on topics such as achievement and aptitude test results, parent involvement, behavior management, student motivation and human development
 3. Cooperates with educational specialists and other resources in developing strategies for serving at-risk students, such as potential dropouts.
- (3) Services to Parents.
 - (a) Consultation and Communication. The school counselor:
 1. Aids parents in developing strategies for supporting their children's educational programs
 2. Provides parent training to promote better understanding of child development and behavior and to improve parent-child communication

(Rule 0520-2-2-.26, continued)

3. Orients parents to guidance and counseling services
4. Aids parents with appropriate professional services outside the school when needed.

Authority: T.C.A. §§49-5-302; 49-5-5003; 49-5-5004 and 49-6-303. **Administrative History:** Original rule filed March 16, 1992; effective June 29, 1992.

0520-2-2-.27 JOB DESCRIPTION, CONSULTING TEACHERS.

- (1) Services to Students.
 - (a) Evaluation and Assessment. The consulting teacher:
 1. Analyzes student performance data and makes recommendations
 2. Involves students in specialized instructional activities as needed
 3. Observes students in a classroom setting as needed.
- (2) Direct Service to School Staff.
 - (a) Consultation and Communication. The consulting teacher:
 1. Holds conferences with the professional staff
 2. Observes the teachers in the classroom, as needed
 3. Demonstrates instructional materials and assists classroom teachers in their use, as needed
 4. Assists classroom teachers in the implementation of curricula
 5. Provides information on current research in education
 6. Demonstrates teaching techniques, skills, and new concepts, as needed
 7. Assists classroom teachers in selecting instruments for assessing student needs, as needed
 8. Assists classroom teachers in identifying student needs and makes recommendations
 9. Consults and works with staff and appropriate others to provide a total program.
 - (b) Organization for Staff Development. The consulting teacher:
 1. Assesses needs of teachers
 2. Assists in planning staff development activities appropriate for the assessed needs
 3. Assists in the evaluation of staff development activities
 4. Orients school personnel to consulting teacher services.
- (3) Indirect Service to Teachers.
 - (a) Development of Goals and Objectives. The consulting teacher:

(Rule 0520-2-2-.27, continued)

1. Reviews research relative to effective instruction and curriculum
2. Prioritizes needs and identifies goals.
- (b) Development of Curriculum. The consulting teacher:
 1. Assists in the development, selection, and/or adjustment of curriculum materials
 2. Assists in the correlation and dissemination of curriculum information and materials.
- (c) Communicates with Parents and Community Groups. The consulting teacher:
 1. Solicits parental and community support of educational goals
 2. Provides appropriate information to community.
- (d) Administration (not more than 30% of total time). The consulting teacher:
 1. Recommends and/or orders materials
 2. Consults with school and system administrators regarding the consulting teacher program and services
 3. Provides a summary of consulting teacher activities to appropriate school personnel
 4. Maintains up-to-date program records.

Authority: T.C.A. §49-5-5004. **Administrative History:** Original rule filed February 27, 1990; effective May 29, 1990. Repealed and new rule filed March 16, 1992; effective June 29, 1992.

0520-2-2-.28 RESERVED.

0520-2-2-.29 STATE BOARD OF EDUCATION CAREER LADDER CERTIFICATION APPEALS PROCESS

- (1) Review.
 - (a) Any career ladder certification applicant (hereinafter, applicant) who is not recommended for certification by either the Regional Certification Commission or the State Certification Commission shall be entitled to a review of the Regional Certification Commission or State Certification Commission decision by the State Board of Education (hereinafter, Board).
 - (b) Request for Review.
 1. Any applicant who is entitled to such a review shall file a written request for a Board review within 60 days of the date of the decision of the Regional Certification Commission or the State Certification Commission.
 2. Such written request shall be filed with the executive director of the Board.
 3. This request shall specify the basis of the request for review. (See Procedures for Review, Record 0520-2-2-.29(1)(d)1.)

(Rule 0520-2-2-.29, continued)

4. Simultaneous with the filing at the Board, the applicant shall file a copy of the request for review with the local education agency that employs him/her.
- (c) Local Education Agency Intervention.
1. Upon its receipt of the copy of the request for review, the local education agency, through its designated representative, may intervene before the Board.
 2. The local education agency's notice of intervention shall be filed with the Board within 30 days of receiving its copy of the applicant's request for review. The said notice shall contain a detailed statement of the basis for intervention. The agency shall also provide copy of the notice to the applicant along with the detailed statement of the basis for intervention.
 3. Upon intervention, the local education agency shall have all the rights of other parties provided for in this rule.
- (d) Procedures for Review.
1. Record.
 - (i) The record shall be prepared by the Regional Certification Commission or the State Certification Commission or both.
 - (ii) The record shall consist of all documents, statements and other materials pertinent to the basis for the decision of the Regional Certification Commission or State Certification Commission or both, including documents, statements, and other materials submitted by the local education agency to the Regional Certification Commission or State Certification Commission or both.
 - (iii) The record shall further include any documents, statements, or other written evidence that the local education agency desires to submit. The local education agency shall submit such statements or written evidence to the State Certification Commission for inclusion in the record.
 - (iv) The State Certification Commission shall notify the applicant when the record is complete. The applicant shall be entitled to review the documents, statements, and other materials submitted by the Regional Certification Commission, State Certification Commission or both. The applicant shall also be entitled to review the documents, statements, and other materials submitted by the local education agency. The record shall be available to the parties for review and, upon payment of reasonable copying costs, the record shall be mailed to the party requesting it. The applicant shall have 60 days from receipt of notification from the State Certification Commission that the record is complete, to review the record and 60 days from the date of his or her review of the record to submit additional written statements or evidence to the State Certification Commission. The staff member of the Board of Education defined in subsection 2.(i) of this rule may extend the deadline for responding in cases of hardship. The record shall include any such written statements or evidence that the applicant desires to submit. All parties shall be given notice that additions have been made to the record and have the opportunity to secure copies of such additions to the record.
 - (v) In the event that the information submitted to the Board is insufficient to allow review of the Regional Certification Commission or State Certification Commission decision, the Board may require the Regional Certification

(Rule 0520-2-2-.29, continued)

Commission, the State Certification Commission, the applicant or the local education agency to furnish additional information that may be necessary. The statement of the basis of the request for review may be amended anytime prior to the State Board's staff member closing the record and preparing the proposed findings of fact and recommended decision that will be mailed to the parties as set forth in subsection (c).

2. Staff Member to Conduct Review.

- (i) Upon receipt of the request for a review of a decision and the record, the Board shall authorize a staff member to review the record.
- (ii) The staff member who reviews the record shall prepare proposed findings of fact and a recommended decision based upon the record. The proposed findings of fact shall specify the staff member's evidentiary facts for each contested area or data source.
- (iii) The reviewer shall send the recommended decision to the Board, the applicant, the State or Regional Certification Commission, and the local education agency employing the applicant within 90 days of receiving the complete record as determined in Section 1, above.
- (iv) In the absence of a request for a hearing on the recommended decision, the Board shall adopt, reject, or modify the recommended decision.

(e) Standards for Review.

- 1. A decision may be remanded to the Regional Certification Commission or the State Certification Commission or the Local Education Agency for further consideration upon a finding that it was not made in accordance with applicable Board evaluation procedures; provided, however, that the decision should not be remanded if the procedural error was not material to the decision and, therefore, constituted harmless error.
- 2. A decision may be modified, reversed, or remanded upon a finding that the decision constituted an abuse of discretion on the part of an evaluator, principal, or any other individual who has conducted any part of the applicant's career ladder certification evaluation or was made in violation of Board evaluation procedures or policies; provided, however, that the decision should not be modified or reversed if the violation of policies or procedures was not material to the decision and, therefore, constituted harmless error.
- 3. A decision shall be affirmed in the absence of a finding of abuse of discretion or material violation of applicable Board evaluation policies or procedures.

(f) During the 1984-85 school year, such review shall be limited to career ladder certification applicants who are not recommended for career ladder certification because of:

- 1.
 - (i) A failing score on a required test (either NTE or Career Ladder Test), and/or
 - (ii) A negative recommendation by the local education agency, board, or an history of negative performance evaluation.
- 2. A failure to complete adequately the staff development program.
- 3. A negative evaluation by the local education agency.

(Rule 0520-2-2-.29, continued)

(2) Hearing.

- (a) Any career ladder certification applicant (hereinafter, applicant) who is not recommended for certification by the staff of the State Board of Education (hereinafter, Board) after a review of the recommendation of the Regional Certification Commission or the State Certification Commission may request a hearing before a duly authorized presiding officer of the Board.
- (b) Requests for hearings as provided under T.C.A. §49-5-5009(d) will be considered by a presiding officer appointed by the Board.
- (c) Any applicant who is entitled to request such a hearing shall file a written request within 45 days of his or her receipt of the proposed decision of the staff of the Board.

- 1. The written request is filed with the executive director of the Board.
- 2. The executive director of the Board shall forward the request to the presiding officer appointed by the Board.
- 3. The request shall contain written exceptions to the decision stating the reasons for taking exception to the proposed decision and, if new evidence is sought to be introduced, a sworn, written statement describing such evidence and giving reasons why such evidence was not introduced before the Regional Commission or State Certification Commission or the Board staff.
- 4. Simultaneous with filing at the Board, the applicant shall file a copy of the request for hearing, with the superintendent of the local education agency that employs the applicant.

(d) Local Education Agency Intervention.

- 1. If the local education agency has exercised its right to intervene at the Board staff review, the agency shall be a party to the proceeding.
- 2. If the local agency is not a party to the proceeding prior to the time the request for a hearing is filed, a designated representative of the local education agency may request the right to intervene as a party to the proceeding.
- 3. The local education agency's notice of intervention shall be filed with the executive director of the Board within 30 days of receiving its copy of the applicant's request for hearing. Said notice shall contain a detailed statement of the basis for intervention, including a sworn, written statement of new evidence that the agency wishes to present to the Board. The agency shall also provide a copy of the notice to the applicant along with the detailed statement of the basis for intervention.
- 4. The presiding officer shall not grant intervention by a local education agency after a request for a hearing is filed unless the local education agency presents statement of material evidence which was not reasonably available for introduction in the proceedings before the Regional Certification Commission, the State Certification Commission, and the staff of the Board. If intervention is allowed on the basis of such new evidence, a hearing shall be held pursuant to section (e)2. (ii) and (f)3. of this rule.

(e) Procedures for Hearing.

- 1. The Record.
 - (i) The record shall be prepared by the staff of the Board.

(Rule 0520-2-2-.29, continued)

- (ii) The record shall consist of all documents, statements and other materials considered by the staff reviewer. The documents shall be presented chronologically and numbered consecutively.
- (iii) If the local education agency is an intervening party, the record shall further include any documents, statements, or other written evidence that the local education agency has submitted.
- (iv) The record shall also include the proposed decision in writing of the staff of the Board and the applicant's written exceptions to the proposed decision stating in detail the applicant's reasons for taking exception to the proposed decision.
- (v) The applicant shall be entitled to review the documents, statements, and other materials submitted by the staff of the Board or the local education agency or both and may submit additional statements or written evidence in response thereto, within 30 days of receiving notice from the Board that the record has been compiled.
- (vi) In the event that the information submitted to the presiding officer is insufficient to allow for a review of the proposed staff decision, the presiding officer may require the staff of the Board, the applicant, the local education agency, the Regional Certification Commission, and the State Certification Commission to furnish additional information that may be necessary. In the event the presiding officer requires additional information from a source other than the applicant, the applicant shall be entitled to review the information and submit additional evidence material to the consideration.

2. Presiding Officer to Conduct Hearing.

- (i) Upon receipt of the applicant's request for a hearing, the presiding officer shall review the record and set the case for a hearing. The presiding officer shall set the case for hearing pursuant to the Administrative Procedures Act T.C.A. Title 4 Chapter 4 (APA) rules for hearing contested cases if: (A) the applicant presents a statement of new material evidence of alleged bias or prejudice of the Regional Certification Commission or the State Certification Commission that meets the standards set forth at T.C.A. §4-5-302(a), or a statement of other material evidence that was not presented before the Regional Certification Commission or State Certification Commission, and shows good cause for not presenting such evidence before the Regional Certification Commission or State Certification Commission or (B) if the local education agency is allowed to intervene pursuant to subsection (d) 4. of this rule. If the grounds specified in (A) or (B) are not satisfied, the presiding officer shall set the case for a conference hearing as described in Section (2) 2. (iii) of this rule.
- (ii) The presiding officer will set a time for the hearing that is mutually convenient to the parties, and may reschedule the hearing for good cause.
- (iii) If the presiding officer determines that the appeal shall be conducted on the basis of the existing record, the presiding officer, upon his own motion or request of a party, shall convene a conference hearing for the purpose of acquainting the presiding officer with the central issues of the appeal and allowing the applicant, the State Certification Commission, and the local education agency, to summarize their respective positions and respond to the presiding officer. The conference hearing will be conducted under the following procedures:

(Rule 0520-2-2-.29, continued)

- (I) The conference shall be informal and shall be conducted in a way that enables each participant to present its position. There shall be no examination or cross examination of the participant except by the presiding officer;
 - (II) No pre-hearing conference may be held;
 - (III) The presiding officer is not authorized to issue subpoenas and discovery orders but may issue protective orders at the request of any party or upon the presiding officer's motion;
 - (IV) The presiding officer shall regulate the course of the proceedings;
 - (V) The parties may have counsel or other authorized representatives present at the conference for the purpose of advising them, but such representatives shall not function as advocates in the proceedings; and,
 - (VI) The parties may offer comments on the issues.
 - (VII) Prior to a hearing the presiding officer shall provide the parties with a copy of the regulations applicable to the hearing.
- (iv) After considering the case, either in a conference hearing or on the basis of a hearing under the APA, the presiding officer shall set forth a recommended decision in the Initial Order pursuant to the APA and forward the record and the initial order to the Board within 60 days of the completion of the hearing. The presiding officer shall send a copy of the Initial Order to the applicant, the State or Regional Certification Commission, and the local education agency employing the applicant, within 60 days of the completion of the hearing.
 - (v) Review of an Initial Order shall be pursuant to the APA. Upon appeal to the Board pursuant to T.C.A. §4-5-315, the Board shall review the Initial Order and a staff summary of the case with the record made available to the members of the Board for review. Upon review, the Board may make the Initial Order its final decision, in which case the Initial Order shall become a Final Order, subject to reconsideration and judicial review under the APA.
- (f) Standards for Review.
- 1. In reviewing a recommended decision of the staff or the Board, the presiding officer shall construe the provisions of parts 50 through 55 of T.C.A., Title 49, Chapter 5, and the rules, regulations and evaluation criteria promulgated pursuant thereto, in favor of the applicant, absent substantial and material evidence to the contrary.
 - 2. A recommended decision may be affirmed, remanded, modified, or reversed.
 - (i) A recommended decision shall be affirmed if it was based upon proper procedure and there is substantial and material evidence to support it.
 - (ii) A recommended decision may be remanded to the Regional Certification Commission or the State Certification Commission or the local education agency or the staff of the Board for further consideration upon a finding that it was not made in accordance with applicable Board evaluation procedures or there was insufficient evidence upon which to make a decision; however, the recommended

(Rule 0520-2-2-.29, continued)

decision should not be remanded if the procedural error was not material to the decision and therefore constituted harmless error.

- (iii) A recommended decision may be modified or reversed upon a finding that it is contrary to law or rule; that it constituted an abuse of discretion on the part of the Regional Certification Commission or the State Certification Commission; that there is no material and substantial evidence to support the decision of the Regional Certification Commission and State Certification Commission or the recommended decision of the staff of the Board; or that it was made in violation of Board evaluation procedures or policies; provided however, that the proposed decision should not be modified or reversed if the violation of the policies or procedures was not material to the decision and therefore constituted harmless error.
3. In all hearings conducted in accordance with subsection (e) 2. of this rule, the applicant shall have the burden of going forward with the evidence once the presiding officer has determined that the recommended decision is based on proper legal grounds and is not arbitrary or capricious. In a hearing conducted pursuant to subsection (d) 4., the burden of going forward with the evidence shall be on the local education agency.

Authority: T.C.A. §49-5-5009. **Administrative History:** (For history prior to November 14, 1986 see pages i through vii.) Amendment filed September 30, 1986; effective November 14, 1986. Repealed and new rule filed March 16, 1992; effective June 29, 1992.